
TITLE 140 BUREAU OF MOTOR VEHICLES

Final Rule

LSA Document #15-61(F)

DIGEST

Amends [140 IAC 1-1-1.5](#), [140 IAC 1-1-5.5](#), [140 IAC 1-1-6](#), [140 IAC 1-1-8](#), and [140 IAC 1-1-11](#) concerning definitions and language relating to driver records and review of agency actions, and repeals the penalty of probation. Amends [140 IAC 1-4.5-2](#), [140 IAC 1-4.5-3](#), [140 IAC 1-4.5-4](#), [140 IAC 1-4.5-5](#), [140 IAC 1-4.5-7](#), [140 IAC 1-4.5-8](#), and [140 IAC 1-4.5-10](#) concerning the assessment and accumulation of points on a person's driving record for violations. Effective January 1, 2016.

[140 IAC 1-1-1.5](#); [140 IAC 1-1-5.5](#); [140 IAC 1-1-6](#); [140 IAC 1-1-8](#); [140 IAC 1-1-11](#); [140 IAC 1-4.5-2](#); [140 IAC 1-4.5-3](#); [140 IAC 1-4.5-4](#); [140 IAC 1-4.5-5](#); [140 IAC 1-4.5-7](#); [140 IAC 1-4.5-8](#); [140 IAC 1-4.5-10](#)

SECTION 1. [140 IAC 1-1-1.5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-1-1.5](#) Definitions**Authority:** [IC 4-21.5-3-35](#); [IC 9-14-2-2](#)**Affected:** [IC 4-21.5](#); [IC 9-13-2](#); [IC 9-14-3.5](#)

Sec. 1.5. (a) The definitions in this section apply throughout this article.

(b) "Abstract of court record" means the Certification of Indiana Abstract of Court Record (SR16), or other bureau approved form, used by Indiana courts to report violations to the bureau. This term includes documents submitted to the bureau by other jurisdictions to report violations, unless otherwise specified.

~~(b)~~ **(c)** "Administrative law judge" has the meaning set forth in [IC 4-21.5-1-2](#).

~~(c)~~ **(d)** "Bureau" has the meaning set forth in [IC 9-13-2-16](#).

~~(d)~~ "Certificate of compliance" has the meaning set forth in [IC 9-13-2-19](#).

~~(e)~~ "Commission" has the meaning set forth in [IC 9-13-2-32](#).

~~(f)~~ **(e)** "Commissioner" has the meaning set forth in [IC 9-13-2-33](#).

~~(g)~~ **(f)** "Conviction" has the meaning set forth in [IC 9-13-2-38](#).

~~(h)~~ **(g)** "Digital image conflict" means situations in which a person's record contains two (2) or more images that appear to be of different people.

~~(i)~~ **(h)** "Driver's license" has the meaning set forth in [IC 9-13-2-48](#).

~~(j)~~ "Final agency action" has the meaning set forth in [IC 4-21.5-1-6](#).

~~(k)~~ **(i)** "Hearing" means a proceeding as set forth in [IC 4-21.5-1-13](#) conducted by a bureau designated hearing officer. **administrative law judge.**

~~(l)~~ "Hearing officer" means "administrative law judge" as set forth in [IC 4-21.5-1-2](#).

~~(m)~~ **(j)** "Insured" has the meaning set forth in [IC 9-13-2-82](#).

~~(n)~~ **(k)** "Judgment" has the meaning set forth in [IC 9-13-2-89](#).

~~(o)~~ "Order" has the meaning set forth in [IC 4-21.5-1-9](#).

~~(p)~~ **(l)** "Motor vehicle liability policy" has the meaning set forth in [IC 9-13-2-106](#).

~~(q)~~ **(m)** "Motor vehicle record" has the meaning set forth in [IC 9-14-3.5-4](#).

~~(r)~~ **(n)** "Moving traffic offense" has the meaning set forth in ~~[IC 9-30-3-14](#)~~; [IC 9-13-2-110](#).

(o) "Order" has the meaning set forth in [IC 4-21.5-1-9](#).

~~(s)~~ **(p)** "Party" has the meaning set forth in [IC 4-21.5-1-10](#).

~~(t)~~ **(q)** "Person" has the meaning set forth in [IC 9-13-2-124](#).

~~(u)~~ **(r)** "Points" means the numerical values assigned for various ~~traffic convictions and judgments~~ **violations** that are assessed against a driver's record.

~~(v)~~ **(s)** "Points accumulation hearing" means a hearing conducted to address a driver's acquisition of points.

~~(w)~~ **(t)** "Proceeding" has the meaning set forth in [IC 4-21.5-1-13](#).

~~(x)~~ **(u)** "Proof of financial responsibility" has the meaning set forth in [IC 9-13-2-139](#).

~~(y)~~ **(v)** "Record" has the meaning set forth in [IC 9-14-3.5-6](#).

~~(z)~~ "Registrant" means an individual who is registering a vehicle with the state of Indiana.

~~(aa)~~ **(w)** "Self-insurance administrator" means the person that the self-insurer designates to be responsible for conducting business on behalf of the self-insurance program.

~~(bb)~~ **(x)** "Violation" has the meaning set forth in ~~[IC 9-30-10-3](#)~~; **means an adjudication of delinquency, a felony conviction, a misdemeanor conviction, an infraction adjudication, or a violation of an ordinance, unless otherwise specified.**

(Bureau of Motor Vehicles; [140 IAC 1-1-1.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 2. [140 IAC 1-1-5.5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-1-5.5](#) Continuances

Authority: [IC 9-14-2-2](#); [IC 9-30-4-14](#)

Affected: [IC 9-24](#); [IC 9-25](#); [IC 9-30](#)

Sec. 5.5. (a) A party may request to continue a hearing only if:

- (1) the request is made in the form of a motion submitted to the bureau in duplicate;
- (2) the request is timely made prior to the scheduled hearing or other deadline; and
- (3) good cause is shown.

(b) A continuance granted prior to the hearing automatically extends the time during which the hearing must

be held.

(c) The ~~hearing officer~~ **administrative law judge** may award costs to reimburse a party for the actual expenses that the party incurred from any undue delay of the hearing that the other party caused.

(Bureau of Motor Vehicles; [140 IAC 1-1-5.5](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 3. [140 IAC 1-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-1-6](#) Admissibility and presentation of evidence

Authority: [IC 4-21.5-3-35](#); [IC 9-14-2-2](#); [IC 9-30-4-14](#)

Affected: [IC 4-21.5-3-6](#); [IC 9-14-3](#); [IC 9-24](#); [IC 9-25](#); [IC 9-28](#); [IC 9-30](#)

Sec. 6. (a) No evidence shall be admitted in a hearing to attack collaterally any ~~criminal conviction or any judgment~~ **violation** pertinent to the matters being heard, other than by authenticated or certified judicial record showing either of the following:

- (1) That the convicting court or the court rendering judgment did not have jurisdiction to so convict or to render such judgment.
- (2) That such convicting court or the court rendering judgment has not, in fact, rendered a determination of conviction or rendered a final judgment in such cause, and that such cause is still pending.

(b) Any matter appearing on the bureau's records shall be prima facie evidence of the information that appears on the face of the records.

(Bureau of Motor Vehicles; *Hearing Procedure Reg I, Rule VI*; filed Dec 11, 1959, 3:00 p.m.: *Rules and Regs. 1960*, p. 96; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593; filed Nov 26, 1996, 4:35 p.m.: 20 IR 934; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 4. [140 IAC 1-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-1-8](#) Presiding officer; powers

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-14-3](#); [IC 9-24](#); [IC 9-25](#); [IC 9-30](#)

Sec. 8. (a) The ~~hearing officer~~ **administrative law judge** shall make recommendations to the commissioner or his or her designee that, based on the ~~hearing officer's~~ **administrative law judge's** findings of fact, and in accordance with the provisions of the applicable statutes, the party's current driver's license be:

- (1) suspended, revoked, or invalidated for any period not exceeding one (1) year;
- ~~(2) placed on probation conditioned upon the party's future good driving for any period not exceeding one (1) year;~~
- ~~(3) (2)~~ continued in full force and effect;
- ~~(4) (3)~~ suspended, restricted, or invalidated for an indeterminate period of time until the party has taken and passed a written driving examination and driving skills test, appeared for a hearing, or produced medical reports sufficient to assure the bureau that the party is possessed of sufficient physical or mental ability to operate a motor vehicle in a safe manner;
- ~~(5) (4)~~ invalidated in order to preserve the integrity of the driver's motor vehicle record in cases of suspected identity theft if a party fails to appear for a digital image conflict hearing;
- ~~(6) (5)~~ invalidated if the party fails to appear for a medical hearing after the ~~hearing officer~~ **administrative law judge** reviews the evidence presented at the medical hearing based on the recommendation of the Indiana driver license **licensing** medical advisory board; or
- ~~(7) (6)~~ invalidated if the party does not object to the proposed invalidation.

(b) For a recommendation made for a points accumulation hearing held under [140 IAC 1-4.5-4](#), the ~~hearing~~

~~hearing officer~~ **administrative law judge** may do the following:

- (1) Consider all ~~convictions or judgments~~ **violations** listed on the party's motor vehicle record that led to the points accumulation.
- (2) Consider the number of miles the party drove during the period in which the excessive points were accumulated.
- (3) Consider any other factors that:
 - (A) might have affected the party's points accumulation; or
 - (B) might affect the party's future driving habits.
- (4) Recommend one (1) or more of the following:
 - (A) Suspend a party's driving privileges for up to one (1) year. ~~or place them on probation for up to one (1) year, or both, provided, however, that a combined period of suspension and probation does not exceed one (1) year.~~
 - (B) Require a party to submit to an examination, in accordance with [IC 9-24-10](#).
 - (C) Require a party to attend and satisfactorily complete a driver improvement course.

(c) The ~~hearing officer~~ **administrative law judge** shall make any other determinations, take any other actions, and make any other recommendations to the commissioner or his or her designee as authorized by law.

(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VIII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 99; filed Nov 26, 1996, 4:35 p.m.: 20 IR 935; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 5. [140 IAC 1-1-11](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-1-11](#) Final orders; objections to recommended orders; judicial reviews

Authority: [IC 9-14-2-2](#)

Affected: [IC 4-21.5-3-29](#); [IC 9-14-3](#); [IC 9-24](#); [IC 9-25](#); [IC 9-30](#)

Sec. 11. (a) The ~~hearing officer's~~ **administrative law judge's** findings of fact and recommended order shall become a final order if the bureau does not receive a written objection to the recommended order within fifteen (15) days of the service of the order, or within eighteen (18) days if the bureau serves the order through the United States mail.

(b) If a ~~hearing officer~~ **an administrative law judge** makes findings of fact and a recommended order to suspend a party's driver's license or permit, such suspension period shall begin on the date the ~~hearing officer~~ **administrative law judge** determines.

(c) Upon receiving a timely objection to a recommended order, the commissioner or his or her designee shall affirm, modify, or replace the recommended order in a subsequent final order, or may remand the matter back to the ~~hearing officer~~ **administrative law judge** under [IC 4-21.5-3-29](#). The suspension of driving privileges shall remain in effect pending the commissioner or his or her designee's final order of any appeal brought under this section.

(d) The time for filing for judicial review of any final order shall be in accordance with [IC 4-21.5-3](#).

(e) A final order that suspends a party's driver's license or permit for an indefinite period shall be terminated, and the party's current driver's license or permit reinstated, upon the fulfillment of the requirements set forth in such order. If the party has been only partially successful in fulfilling the requirements set forth in such order, the ~~hearing officer~~ **administrative law judge** may, after due notice and conducting a hearing as prescribed in this rule, issue a recommended order that the party be permitted to drive a motor vehicle under restrictions suitable to the party's driving ability and in accordance with the party's motor vehicle record. The party must then obtain a restricted driver's license or permit, which reflects the final order's restrictions.

(Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule XI; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 101; filed Nov 26, 1996, 4:35 p.m.: 20 IR 936; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 901; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

[20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 6. [140 IAC 1-4.5-2](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-2](#) Objective

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-24-2-3](#)

Sec. 2. The point system is established as an objective method of identifying ~~the driver~~ **a person** in need of improving his or her driving habits and to provide ~~guidelines~~ **requirements** for restricting or suspending the driver's license, or permit, or ~~placing the driver on probation.~~ **driving privileges.**

~~Points are numerical values assigned to various traffic convictions and judgments and assessed against the driver's record.~~

(Bureau of Motor Vehicles; [140 IAC 1-4.5-2](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 26, 2013, 11:22 a.m.: [20131225-IR-140130487RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 7. [140 IAC 1-4.5-3](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-3](#) Points study committee

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-24-2-3](#)

Sec. 3. The commissioner shall appoint the members of the points study committee. The committee members shall serve on the committee for a term designated by the commissioner. The committee members shall be composed of traffic safety officials from the state of Indiana. The committee shall be composed of four (4) members and the commissioner or his or her designee. The commissioner or his or her designee shall act as chairperson of the committee meetings. Meetings of the committee shall be set at such time and place as the commissioner or his or her designee shall designate. ~~Points~~ **Violations** shall be assigned or reassigned ~~point~~ **point** values by the committee based upon the committee's evaluation of each ~~traffic offense~~ **violation** according to that offense's ~~violation's~~ severity and history ~~as a cause of accidents.~~ **likelihood of causing or contributing to the severity of a motor vehicle accident.**

(Bureau of Motor Vehicles; [140 IAC 1-4.5-3](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 8. [140 IAC 1-4.5-4](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-4](#) Points accumulation retention

Authority: [IC 9-14-2-2](#)

Affected: [IC 4-21.5-3](#); [IC 9-24-2-3](#)

Sec. 4. (a) Points assessed for any ~~traffic~~ violation shall become inactive twenty-four (24) months after the ~~court conviction~~ **disposition date of the violation.**

(b) A ~~driver~~ **person** accumulating ~~eighteen (18)~~ **twenty (20)** or more active points, after any credit earned by completion of a driver safety program, within a twenty-four (24) month period shall receive a penalty corresponding to the number of active points. ~~When a penalty includes a period of suspension and probation of the person's driving privileges, and a period of probation for the person's driving privileges, the probation shall commence upon the end of the suspension.~~ A ~~driver~~ **person** receiving a penalty under this section has the

administrative review rights provided under [IC 4-21.5-3](#). The penalties are as follows:

- (1) **Fourteen (14)** to eighteen (18) points will result in ~~twelve (12) months probation.~~ **a warning notice from the bureau to the affected person.**
- (2) Twenty (20) points will result in a one (1) month suspension. ~~and eleven (11) months probation.~~
- (3) Twenty-two (22) points will result in two (2) months suspension. ~~and ten (10) months probation.~~
- (4) Twenty-four (24) points will result in three (3) months suspension. ~~and nine (9) months probation.~~
- (5) Twenty-six (26) points will result in four (4) months suspension. ~~and eight (8) months probation.~~
- (6) Twenty-eight (28) points will result in five (5) months suspension. ~~and seven (7) months probation.~~
- (7) Thirty (30) points will result in six (6) months suspension. ~~and six (6) months probation.~~
- (8) Thirty-two (32) points will result in seven (7) months suspension. ~~and five (5) months probation.~~
- (9) Thirty-four (34) points will result in eight (8) months suspension. ~~and four (4) months probation.~~
- (10) Thirty-six (36) points will result in nine (9) months suspension. ~~and three (3) months probation.~~
- (11) Thirty-eight (38) points will result in ten (10) months suspension. ~~and two (2) months probation.~~
- (12) Forty (40) or more points will result in eleven (11) months suspension. ~~and (1) month probation.~~
- (13) Forty-two (42) or more points will result in twelve (12) months suspension.

(c) If, during any twelve (12) month period, a ~~driver~~ **person** has committed three (3) moving traffic offenses, the bureau may, upon written notice, require the ~~driver~~ **person** to submit to an administrative hearing.

(d) The ~~conviction or judgment for a traffic violation~~ shall remain a part of the ~~driver's~~ **person's** record even though, for purposes of this rule, the points assessed shall become inactive twenty-four (24) months after the ~~court conviction~~ **disposition** date.

(e) If a court of competent jurisdiction vacates, dismisses, amends, or otherwise modifies a violation, the bureau shall within a reasonable period of time after receiving the abstract of court record modify the pending or existing excessive points suspension accordingly.

(Bureau of Motor Vehicles; [140 IAC 1-4.5-4](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; filed Sep 5, 1995, 12:00 p.m.: 19 IR 6; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 902; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); filed Jun 17, 2013, 11:21 a.m.: [20130717-IR-140120377FRA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 9. [140 IAC 1-4.5-5](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-5](#) Assessing points for out-of-state violations

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-19](#); [IC 9-20](#); [IC 9-21](#); [IC 9-24](#); [IC 9-25](#); [IC 9-26](#); [IC 9-28](#); [IC 9-30](#); [IC 14-15](#); [IC 35-42](#); [IC 35-43](#); [IC 35-44.1](#); [IC 35-46](#)

Sec. 5. (a) ~~All convictions and judgments for traffic violations that a person with an Indiana driver's license commits in any state shall be recorded on that person's driving record.~~

~~(b) The bureau will~~ **shall** assess points to the driving record of a person with an Indiana's driver's license for those out-of-state convictions or judgments for traffic violations **committed in another state** for which Indiana has a corresponding **pointable** violation. The points ~~will~~ **shall** be assessed as if the Indiana driver **person** had been convicted or had a judgment entered against him or her for a **committed the** violation under **in** Indiana. ~~law.~~ The bureau ~~will~~ **shall** not assess points for any out-of-state conviction or judgment **violation** for which Indiana does not have a corresponding violation.

(Bureau of Motor Vehicles; [140 IAC 1-4.5-5](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 10. [140 IAC 1-4.5-7](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-7](#) Driver safety program; point credit for completion

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-24-2-3](#); [IC 9-30-3-12](#)

Sec. 7. (a) ~~An individual~~ **A person** who has successfully completed and paid for a bureau approved driver safety program shall ~~be awarded~~ **receive** a four (4) point credit that will be entered on the ~~driver's driving summary~~ **person's record**.

(b) The four (4) point credit shall remain in effect for a three (3) year period; however, the four (4) point credit may only be ~~credited to~~ **entered on the driver record** once every three (3) years for successfully completing a bureau approved driver safety program.

(Bureau of Motor Vehicles; [140 IAC 1-4.5-7](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 29; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 11. [140 IAC 1-4.5-8](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-8](#) Unlicensed drivers

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-14](#); [IC 9-19](#); [IC 9-20](#); [IC 9-21](#); [IC 9-24](#); [IC 9-25](#); [IC 9-26](#); [IC 9-28](#); [IC 9-30](#); [IC 14-15](#); [IC 35-42](#); [IC 35-43](#); [IC 35-44.1](#); [IC 35-46](#)

Sec. 8. Any person who ~~operates a motor vehicle in violation of Indiana statutes or local ordinances~~ **commits a violation** shall receive the same points or sanctions, including suspension of the person's driving privileges, even if the person does not hold a valid driver's permit or license.

(Bureau of Motor Vehicles; [140 IAC 1-4.5-8](#); filed Nov 9, 1983, 3:41 p.m.: 7 IR 29; readopted filed Jul 30, 2001, 10:23 a.m.: 24 IR 4227; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 12. [140 IAC 1-4.5-10](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 1-4.5-10](#) Point value table

Authority: [IC 9-14-2-2](#)

Affected: [IC 9-19](#); [IC 9-20](#); [IC 9-21](#); [IC 9-24](#); [IC 9-25](#); [IC 9-26](#); [IC 9-28](#); [IC 9-30](#); [IC 14-15](#); [IC 35-42](#); [IC 35-43](#); [IC 35-44.1](#); [IC 35-46](#)

Sec. 10. (a) The bureau ~~will~~ **shall** periodically update the point value table, as needed, with the assistance of the point study committee. Points assessed in subsection ~~(e)~~, **(f)**, Table 1 shall be for:

- (1) **in-state** violations; ~~of Indiana traffic statutes or local ordinances~~; or
- (2) out-of-state violations reported to the bureau from any state for which an equivalent ~~offense~~ **violation** exists in Indiana.

(b) Requirements for ~~recording conviction records~~ **entering violations onto a driver record** shall be as follows:

- (1) All ~~records of traffic convictions~~ **abstracts of court record** received by the bureau ~~from the court entering judgment or conviction~~ shall be recorded based upon the Indiana Code ~~etc.~~ **citation or the applicable bureau offense code reflected on the abstract.**
- (2) **Out-of-state violations shall be recorded based upon the American Association of Motor Vehicle Administrators Code Dictionary (ACD) Code provided by the state reporting the violation.**
- ~~(2)~~ **(3)** Leaving the scene of an accident under [IC 9-26-1](#) shall be treated as an accident in excess of one thousand dollars (\$1,000) requiring a mandatory suspension unless the accident is specifically designated on the ~~record of conviction~~ **abstract of court record or court order** as less than one thousand dollars (\$1,000).
- ~~(3)~~ Suspensions, whether issued by the bureau or a court of competent jurisdiction, shall run concurrently

~~unless the administrative hearing officer or court judge specifically designates that the suspensions run consecutively.~~

(4) Property damage or personal injury shall not be presumed to have occurred when assessing points for reckless driving violations unless such property damage or personal injury is specifically indicated **in the court order or on the record of conviction abstract of court record** by the court.

~~(5) All equipment violations shall be imputed to the driver of the vehicle.~~

(c) Any ~~traffic~~ violation that is subject to statutory change shall retain the same point designation until the regulations are amended unless such ~~traffic~~ violation is entirely repealed by the statutory change whereby no points shall be assessed for that violation.

(d) The point value assigned to a violation shall be determined by the point value table in effect on the date the violation was committed.

(e) All violations that are removed from the point value table shall retain their assigned point value for violations committed prior to the removal of the violation from the table.

~~(d)~~ **(f)** Point value Table 1, establishing the point value system, shall be as follows:

| Table 1. | | |
|---|--|-------------------|
| Indiana Code Cross Reference | Description of Violation | Point Value |
| 7-1-5-7-7 9-24-18-12 | Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age | 6 + MS |
| 9-19-3-1 et seq. 9-19-7-2(a)(2) | Equipment violation with respect to brakes | 4 |
| 9-19-4-1 et seq. | Bumper violation | 2 |
| 9-19-5-6 | Failure of commercial motor vehicle to carry required emergency equipment | 2 |
| 9-19-6-1 9-19-6-1.5 et seq. 9-19-7-2(a) 9-19-7-2(b) 9-21-7-1 et seq. | Equipment violation with respect to vehicle lights, reflectors, stop lights, warning signals failure to use when required | 2 |
| 9-21-7-1 et seq. | Failure to use lights, reflectors, stop lights, warning signals when required | 2 |
| 9-19-7-1 9-21-10-9 (repealed) | No motorcycle or motor driven cycle headgear or protective eyewear (under 18 years of age) | 4 |
| 9-19-7-2 | Motorcycle equipment violation | 2 |
| 9-19-8-1 et seq. | Muffler violation | 2 |
| 9-19-11-2 | Child restraint violation | 8 |
| 9-20-4-1 et seq. 9-20-5-1 et seq. 9-20-7-1 et seq. 9-20-11-1 et seq. | Commercial motor vehicle weight violation | 4 |
| 9-21-3-7 9-21-3-8 9-21-3-9 9-21-3-10 (repealed) 9-21-3-11 | Disregarding traffic control signal | 4 |

| | | |
|---|--|------------------|
| 9-21-4-11 9-21-4-17 9-21-4-18 9-21-8-29 9-21-8-30 9-21-8-31 9-21-8-32 9-21-8-33 9-21-8-34 9-21-8-35(a) 9-21-8-36 | Failure to yield; failure to obey stop or yield signs | 6 4 |
| 9-21-8-35(a) | Failure to yield to moving emergency vehicle | 6 |
| 9-21-8-35(b) 9-21-8-35(c) | Failure to change lanes or decrease speed when approaching a stationary emergency, recovery, or maintenance vehicle | 8 |
| 9-21-4-12 9-21-4-13 9-21-4-18 | Improper passing in violation of clearly visible signs or markings | 4 |
| 9-21-4-16 9-21-4-18 | Disregarding stop sign at railroad crossing | 6 |
| 9-21-5-1 9-21-5-2 9-21-5-3 9-21-5-4 9-21-5-5 9-21-5-6 9-21-5-11 9-21-5-12 9-21-5-13 (repealed) | Miscellaneous speeding violations: Excessive speed not indicated 1-15 MPH in excess of limit 16-25 MPH in excess of limit Over 25 MPH in excess of limit | 2 2 4 6 |
| 9-21-5-7 9-21-5-8 9-21-5-9 9-21-8-2(b) | Minimum speed violation, slow vehicle in improper lane | 2 |
| 9-21-5-10 | Unsafe speed on bridge or elevated structure | 4 |
| 9-21-6-1 9-21-8-56(d)(2) | Speed contest on streets or highways (drag racing) | 8 |
| 9-21-8-1 | Failure to comply with order of law enforcement officer | 6 |
| 9-21-8-2(a) 9-21-8-8 | Driving on left side of road when not permitted | 4 |
| 9-21-8-4 | Improper passing on two lane highway | 4 |
| 9-21-8-5 | Improper passing (cutting in); refusing to give way to overtaking vehicle | 4 |
| 9-21-8-6 | Improper passing to the right | 4 |
| 9-21-8-7 | Improper passing on the left of center | 6 |
| 9-21-8-7.5 | Worksite no passing | 8 |
| 9-21-8-8 | Driving to the left of center on two-way roadway (special conditions) | 4 |
| 9-21-8-9 | Wrong way on a one-way roadway | 4 |
| 9-21-8-10 | Driving left of rotary island | 4 |
| 9-21-8-11 | Improper driving on roadways with traffic lanes | 4 |
| 9-21-8-12 9-21-8-13 | Lane restriction violation by truck | 4 |
| 9-21-8-14 9-21-8-15 9-21-8-16 | Following too closely | 6 |
| 9-21-8-18 9-21-8-19 | Entrance or exit violation on limited access highways | 4 |

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| 9-21-8-21 | Improper turn at intersection | 4 |
| 9-21-8-19 | Improper U-turn on curve or crest of grade | 4 |
| 9-21-8-22 | | |
| 9-21-8-23 | Unsafe start from parked position | 4 |
| 9-21-8-24 | Failure to signal when required, improper signal | 2 |
| 9-21-8-25 | | |
| 9-21-8-26 | | |
| 9-21-8-27 | | |
| 9-21-8-28 | | |
| 9-21-8-37 | Failure to exercise due care for pedestrian | 6 |
| 9-21-8-38 | Operating through or within a pedestrian safety zone | 4 |
| 9-21-8-39 | Disregarding signal indicating approach of train | 6 |
| 9-21-8-40 | Failure of commercial vehicle or other special vehicle to stop at railroad crossing | 8 + MS |
| 9-21-12-5 | | |
| 9-21-8-41 | Disregarding official traffic control device at a worksite | 6 |
| 9-21-8-50 | Reckless driving while operating a tractor-trailer combination | 8 |
| 9-21-8-51 | Failure to dim bright or blinding lights | 4 2 |
| 9-21-8-52(a) | Reckless driving | 6 |
| 9-21-8-52(b) | | |
| 9-21-8-52(b) | Reckless driving with damage to property or personal injury | 8 + MS |
| 9-21-8-52 | | |
| 9-21-8-52 | Reckless driving with bodily injury | 10 |
| 9-21-8-55 | Aggressive driving | 8 |
| 9-21-8-56 | Reckless operation in highway work zone | 8 |
| 9-21-8-59 | Texting or e-mailing while operating a motor vehicle | 4 |
| 9-21-9-4 | No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem) | 2 |
| 9-19-16-4 (repealed) | | |
| 9-21-10-1 | Motorcycle or motor driven cycle passenger violation | 4 |
| 9-21-10-2 | | |
| 9-21-10-4 | | |
| 9-21-10-3 | Carrying articles to prevent proper use of handlebars | 4 |
| 9-21-10-5 | Operating motorcycle or motor driven cycle without headlamp illuminated | 2 |
| 9-21-10-6 | Operating motorcycles three or more abreast in single lane | 4 |
| 9-21-10-6 | Depriving motor vehicle (including motorcycle) of full lane usage | 4 |
| 9-21-10-8 | Motor driven cycle operated on interstate | 4 |
| 9-21-11-12 | Improper operation of Class B motor driven cycle | 4 |
| 9-21-12-1 | Passing of school bus while loading or unloading | 8 |
| 9-21-12-1 | Passing of school bus when arm signal is out | 8 |
| 9-21-12-18 | Hazardous or obstructed exit on school or special purpose bus | 6 |
| 9-21-16-7 | Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway or street only) | 2 |
| 9-21-16-8 | | |
| 9-24-1-1 | No valid license for type of vehicle that was operated (noncommercial motor vehicle) | 4 |
| 9-24-1-4 | | |
| 9-24-1-5 | | |
| 9-24-1-8 (repealed) | | |
| 9-24-12-1 | | |
| 9-24-12-2 | | |
| 9-24-1-6 | Operating commercial motor vehicle without valid commercial driver's license | 8 |
| 9-24-6-15 | Operating a commercial motor vehicle with a BAC above or BrAC of at least .04 but less than .08 | 8 |
| 9-24-6-16 | Operating a commercial motor vehicle while disqualified | 8 |
| 9-24-7-2 | Driver education permit violation | 4 |

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| 9-24-7-3 (repealed) 9-24-7-4 | Learner Learner's permit violation | 4 |
| 9-24-8-2 | Temporary motorcycle learner permit violation | 4 |
| 9-24-8-3 | Motorcycle learner learner's permit violation | 4 |
| 9-24-1-1(a)(5)(B) 9-24-1-1(b) 9-24-1-8 (repealed) 9-24-8-4 | Improper motorcycle license endorsement or motor driven cycle endorsement or restriction | 6 |
| 9-24-11-3 (repealed) 9-24-11-3.3 | Probationary license violation (under 18 years of age) | 4 |
| 9-24-11-7 9-24-11-8(b) 9-24-11-8(a) | Violation of driver driver's license restriction or mechanical control device requirement | 4 |
| 9-24-11-8(b) 9-24-11-8(c) | Violation of driver's license restriction or mechanical control device causing serious bodily injury or death | 10 |
| 9-24-18-1 | Operating without ever having a valid license | 6 + MS |
| 9-24-18-2 | Misuse of license; use of false information; unauthentic license | 8 |
| 9-24-18-3 | Permitting unlicensed person to operate a motor vehicle | 4 |
| 9-24-18-4 | Permitting unlawful use of a motor vehicle | 4 |
| 9-24-18-5 (repealed) 9-24-19-1 9-24-19-2 9-24-19-3 9-24-19-4 (repealed) 9-30-13-6 9-30-13-7 | Driving while license is or driving privileges are suspended or revoked | 8 + MS |
| 9-24-19-3 | Driving while license or driving privileges are suspended or revoked resulting in bodily injury or death | 10 |
| 9-24-18-8 | Unlawful use of license to obtain alcohol | 8 + MS |
| 9-25-4-1 9-25-8-5 | Suspension of license and registration for Violation of financial responsibility requirements | 2 + MS |
| 9-26-1-1 9-26-1-2 9-26-1-3 9-26-1-4 9-26-1-1.1 | Leaving the scene of accident; failure to give information; failure of other duties (personal injury, death, or property damage more than \$750 total) | 8 + MS |
| 9-26-1-2 9-26-1-3 9-26-1-4 | Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$750 total) | 8 |
| 9-26-1-1 (repealed) 9-26-1-2 (repealed) 9-26-1-3 (repealed) 9-26-1-4 (repealed) 9-26-1-1.1 | Leaving the scene of accident; failure to give information; failure of other duties (damage to unattended vehicle or other property) | 8 |
| 9-26-1-1 (repealed) 9-26-1-2 (repealed) 9-26-1-3 (repealed) 9-26-1-4 (repealed) 9-26-1-1.1 | Leaving the scene of accident; failure to give information; failure of other duties (injury or death) | 10 |
| 9-30-4-8 | Operating a vehicle with suspended registration violation of conditions of a restricted license | 8 |
| 9-30-5-1 | Per se operating while intoxicated (OWI) or operating with a controlled substance or metabolite in the body | 8 + MS |
| 9-30-5-2 | OWI | 8 + MS |
| 9-30-5-3 | OWI with per se or OWI conviction in past 5 years or with passenger under 18 years of age | 8 + MS |

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| 9-30-5-4 | OWI per se, or OWI, or operating with a controlled substance or metabolite in the body causing serious bodily injury to another | 8 + MS 10 |
| 9-30-5-5 | OWI per se, or OWI, or operating with a controlled substance or metabolite in the body causing death of another | 8 + MS 10 |
| 9-24-15-11 (repealed) 9-30-5-6 9-30-5-13 (repealed) 9-30-16-5 | Violation of probationary, license (HTV) hardship/restricted, or specialized driving privileges | 8 + MS |
| 9-30-5-7 9-30-6-8.7 (repealed) | Interlock device violation | 8 |
| 9-30-5-8 | Tampering with interlock device | 8 |
| 9-30-5-8.5 | Operating with at least BAC .02%, but less than BAC .08% (under 21 years of age) Under 21 | 6 |
| 9-30-10-16 9-30-10-17 | Operating a vehicle while driving privileges are suspended or forfeited as a habitual traffic violator | 8 + MS |
| 9-30-13-1 (repealed) 35-42-2-2 | Criminal recklessness with vehicle | 8 + MS |
| 9-30-13-2 (repealed) 35-42-2-4 (repealed) | Obstruction of traffic causing serious bodily injury or death | 8 + MS 10 |
| 9-30-13-3 (repealed) 35-43-1-2 | Criminal mischief with vehicle | 8 + MS |
| 9-30-13-4 (repealed) 35-42-1-3 35-42-1-4 | Voluntary or involuntary manslaughter with a vehicle | 8 + MS 10 |
| 9-30-13-4 (repealed) 35-42-1-5 | Reckless homicide with a vehicle | 8 + MS 10 |
| 9-30-15-3 9-30-15-4 | Open container violation Consumption of alcohol while operating vehicle | 6 |
| 14-15-3-7 14-15-3-8 14-15-3-10 | Speeding in boat | 2 |
| 14-15-4-1 14-15-4-2 14-15-4-3 | Leaving the scene of a watercraft accident or failure of other duties | 8 |
| 14-15-8-8 (repealed) 14-15-8-13 (repealed) 14-15-12-5 35-46-9-6 | Operating a personal watercraft or motorboat while intoxicated or with a controlled substance or metabolite in the body | 8 + MS |
| 14-15-8-9 (repealed) 14-15-8-10 (repealed) 35-46-9-7 | Operation of motorboat after being ordered not to operate | 8 |
| 14-15-12-5 14-15-3-6 | Dangerous operation of a personal watercraft or motorboat boat | 8 |
| 14-15-11-9 | Operating motorboat without a valid license or identification card | 4 |
| 14-15-11-11 | Operating motorboat while suspended | 8 |
| 14-15-12-10 | Unsafe operation of a personal watercraft | 8 |
| 9-21-5-13 (repealed) 9-21-5-14 20-9.1-5-10 (repealed) | Speeding in school bus: Speed not indicated 1-15 MPH in excess of limit Over 15 MPH in excess of limit | 6 6 8 |
| 9-21-12-5 9-21-12-17 (repealed) 20-9.1-5-11 (repealed) | Failure of school bus to stop at railroad crossing | 8 + MS |
| 9-21-12-12 (repealed) 20-9.1-5-12 (repealed) | Stopping school bus to load or unload on left of one-way thoroughfare | 4 |

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| 9-21-12-13 20-9.1-5-14 (repealed) | Improper use or failure of school bus to display stop arm signal | 4 |
| 9-21-12-14 20-9.1-5-15 (repealed) | Improper use or failure of school bus to use directional signals signal | 4 |
| 9-21-12-15 20-9.1-5-16 (repealed) | Improper use or failure of school bus to use red flashing warning lights | 4 |
| 35-44.1-2-13 | Obstruction of traffic involving vehicle (without serious bodily injury or death) | 4 |
| 35-44.1-3-1(b) | Resisting law enforcement in vehicle | 8 +MS |
| 35-46-9-6 | Operating a personal watercraft or motorboat while intoxicated or having a controlled substance or metabolite in the body causing serious bodily injury to another or death | 10 |
| 14-15-3-20 | Improper towing of persons or objects with motorboat | 2 |
| 14-15-3-24 | Operating motorboat with occupant on gunwales or bow decking | 2 |
| 14-15-13-3 | Violation of motorboat watersport prohibitions | 2 |

¹ The court has the authority to suspend an individual's driver license on any traffic violation.

² "MS" means mandatory suspension for a period of time up to one (1) year or as provided by statute or court order.

(Bureau of Motor Vehicles; [140 IAC 1-4.5-10](#); filed Sep 5, 1995, 12:00 p.m.: 19 IR 8; readopted filed Oct 17, 2001, 4:46 p.m.: 25 IR 903; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Jun 17, 2013, 11:21 a.m.: [20130717-IR-140120377FRA](#); readopted filed Nov 26, 2013, 11:22 a.m.: [20131225-IR-140130487RFA](#); filed Nov 16, 2015, 12:44 p.m.: [20151216-IR-140150061FRA](#), eff Jan 1, 2016)

SECTION 13. SECTIONS 1 through 12 of this document take effect January 1, 2016.

LSA Document #15-61(F)

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